

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 1275 of 1993

For Approval and Signature:

Hon'ble MR.JUSTICE K.G.BALAKRISHNAN and
MR.JUSTICE J.M.PANCHAL

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1. Whether Reporters of Local Papers may be allowed
to see the judgements? No
 2. To be referred to the Reporter or not? No
 3. Whether Their Lordships wish to see the fair copy
of the judgement? No
 4. Whether this case involves a substantial question
of law as to the interpretation of the Constitution
of India, 1950 of any Order made thereunder? No
 5. Whether it is to be circulated to the Civil Judge?
No
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GM GAJJAR

Versus

STATE OF GUJARAT

Appearance:

MR RD DAVE for Petitioners
MR DA BAMBHANIA with Mr.U.A.Trivedi, A.G.P.
for Respondent No. 1
NOTICE SERVED for Respondent No. 2
MR MR ANAND for Respondent No. 3, 4, 5, 6, 7, 8

CORAM : MR.JUSTICE K.G.BALAKRISHNAN and
MR.JUSTICE J.M.PANCHAL

Date of decision: 17/03/98

ORAL JUDGEMENT

(Per : Panchal,J.)

In this petition, which is filed under Article

226 of the Constitution, the petitioners have prayed to issue a writ of mandamus or any other appropriate writ, order or direction restraining the respondents from reverting the petitioners from the post of Deputy Mamlatdar. Pursuant to the directions given by the High Court in Special Civil Applications no.101/87, 7786/90, 7808/90 and 6513/86, provisional seniority list of Clerks-cum-Typists was published on August 17, 1992. Some of the Clerks-cum-Typists, who were promoted to the post of Deputy Mamlatdars, had filed Special Civil Applications no. 7785, 7786, 7787 and 7788 of 1991 in the High Court challenging interse seniority etc. and obtained interim relief restraining the State Government from reverting them to the post of Clerks-cum-Typists. The petitioners of present petition, therefore, apprehended that they would be reverted to the post of Clerks-cum-Typists from the post of Deputy Mamlatdars in view of the provisional seniority list. Under the circumstances, present petition was instituted. By way of ad-interim relief, the respondents have been restrained from reverting the petitioners from the post of Deputy Mamlatdars to the post of Clerks-cum-Typists.

2. After publication of provisional seniority list, objections were invited from the employees concerned and on consideration of the objections, final seniority list has been published on March 18, 1993, which is produced by the petitioners together with further affidavit dated April 26, 1993. Mr. U.A.Trivedi, learned A.G.P. on instructions states that the State Government will implement the final seniority list dated March 18, 1993 and/or subsequent seniority list which might have been prepared on directions issued by the High Court. Mr. Rajesh Dave, learned Counsel for the petitioners states that the petitioners are satisfied with the seniority list dated March 18, 1993. It is not brought to the notice of the Court either by the petitioners or by the respondents that the final seniority list published on March 18, 1993 is under challenge in any petition pending before High Court. The final seniority list published on March 18, 1993 is not challenged by the petitioners in the present petition. Under the circumstances, we are of the opinion that present petition has become infructuous and deserves to be disposed of accordingly.

For the foregoing reasons, the petition fails. Rule is discharged, with no order as to costs. Ad-interim relief granted earlier is hereby vacated. Liberty is reserved to the petitioners to move Court in case of difficulty. The petition stands disposed of as having become infructuous.

patel